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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,349	09/30/2003	William E. Mazzara JR.	GP-304028 2760/134	5776

7590 11/03/2006

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EXAMINER

PHUONG, DAI

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,349

Applicant(s)

MAZZARA, WILLIAM E.

Examiner

Dai A. Phuong

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10, 12-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Reply Appeal Brief

1. In view of the Appeal Brief filed on 08/24/2006, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


DUC M. NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Claim Rejections - 35 USC § 101

2. Claims 9-10 and 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 9-10 and 12 lack the proper preamble necessary for a statutory computer program product claim. See MPEP 2100 for guidance on computer related inventions.

The Examiner suggests a preamble as follows:

1. "computer readable medium" encoded with _____
 - [a] "a computer program"
 - [b] "software"
 - [c] "computer executable instructions"
 - [d] "instructions capable of being executed by a computer"
2. "a computer readable medium" _____ "computer program"
 - [a] storing a
 - [b] embodied with a
 - [c] encoded with a
 - [d] having a stored
 - [e] having an encoded

Correction is require

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6-7, 9-10, 13-15 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Endo et al. (U.S. 4182989).

Regarding claim 1, Endo et al. disclose a method for responding to digital vehicle requests (fig. 4, col. 4, lines 12 to 65), the method comprising:

receiving a voice query by a telematics unit, wherein the telematics unit comprises at least one analog digital converter (fig. 5, col. 5, line 38 to col. 6, line 45. Specifically, Endo et al. disclose the vehicle driver 126 switches on a microphone switch 134 to speak into a microphone 128 inquiring, for example, "Where is the A building?" or "Where is a gas station in the neighborhood?". The microphone 128 converts the driver's voice into an electrical signal corresponding thereto, which signal is fed to an audio amplifier 130 which generates an amplified signal 1 therefrom. The signal from the amplifier 130 is fed to a converter 132 which comprises, although not shown in the drawing, an A-D converter, a D-A converter and a memory. The analog signal from the amplifier 130 is converted into a digital one by the A-D converter, then being stored in the memory. In this case, the signal to be stored in the memory is one which is spoken into the microphone 128 for 8 seconds after the driver switches on the switch 134);

converting the voice query to a compressed digital signal wherein a compression algorithm compresses the voice query signal at more than two times the compression ratio of human recognizable audio data compression and wherein converting the voice query comprises compressing the voice query digital signal at the telematics unit (fig. 5, col. 5, line 38 to col. 6, line 45. Specifically, Endo et al. disclose the analog signal from the amplifier 130 is converted into a digital one by the A-D converter, then being stored in the memory. In this case, the signal to be stored in the memory is one which is spoken into the microphone 128 for 8 seconds after the driver switches on the switch 134. After the signal from the amplifier 130 has been stored in

the memory of the converter 132, when the vehicle 116 enters the communication area defined by the UHF antenna assembly 102, the converter 132 receives a read instruction signal. Then, the inquiry stored in the memory in the digital form is read 100 times faster than it is stored and is converted into an analog signal 2 by the D-A converter (not shown). It is therefore understood that the input signal to the converter 132 for 8 seconds is compressed with respect to time to be the signal 2 with a time period of 0.08 seconds. The signal 2 is then fed to a UHF oscillator 136, frequency-modulating a UHF carrier thereat. The output of the UHF oscillator 136, which has been frequency-modulated and is denoted by reference numeral 3, radiates into the free space through the UHF antenna 118 with a sharp directional characteristic);

transmitting the signal to a call center node 12 in communication with an information database via a wireless network (fig. 5, col. 5, line 38 to col. 6, line 45);

parsing the signal at the call center node to determine an inquiry (fig. 4 and fig. 5, col. 8, line 62 to col. 11, line 35);

accessing the information database based on the inquiry (fig. 4 and fig. 5, col. 8, line 62 to col. 11, line 35);

formulating at least one response to the inquiry wherein the formulated response is compressed to allow a user of the telematic unit to understand the formulated response (fig. 4 and fig. 5, col. 8, line 62 to col. 11, line 35);

transmitting the at least one formulated response in a digital format over the wireless network to the telematics unit (fig. 4 and fig. 5, col. 8, line 62 to col. 11, line 35); and

translating the at least one formulated response to an analog format at the at least one analog digital converter (fig. 4 and fig. 5, col. 8, line 62 to col. 11, line 35).

Regarding claim 2, Endo et al. disclose all the limitation in claim 1. Further, Endo et al. disclose the method further comprising: optimizing the telematics unit for transmission of the voice query to a computer call center node (fig. 5, col. 5, line 38 to col. 6, line 45).

Regarding claim 3, Endo et al. disclose all the limitation in claim 2. Further, Endo et al. disclose the method further comprising: filtering the received voice query before converting it to the digital signal (col. 11, line 64 to col. 12, line 41).

Regarding claim 6, Endo et al. disclose all the limitation in claim 1. Further, Endo et al. disclose the method wherein transmitting the at least one formulated response in a digital format over the wireless network to the telematics unit comprises: transmitting the at least one formulated response in a digital streaming audio format (fig. 5, col. 5, line 38 to col. 6, line 45).

Regarding claim 7, Endo et al. disclose all the limitation in claim 1. Further, Endo et al. disclose the method wherein the analog digital converter further comprises a reversible digital analog converter (fig. 5, col. 5, line 38 to col. 6, line 45).

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 7.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 8, 12, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. (U.S. 4182989) in view of Myr (Pub. No: 2001/0029425).

Regarding claim 5, Endo et al. disclose all the limitation in claim 1. However, Endo et al. do not disclose the method further comprising: transmitting the signal to the call center using a packet data connection.

In the same field of endeavor, Myr discloses the method further comprising: transmitting the signal to the call center using a packet data connection ([0101]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of Endo et al. by specifically including the method further comprising: transmitting the signal to the call center using a packet data connection, as taught by Myr, the motivation being in order to provide traffic condition information, routes and navigation instructions. Additionally, a driver can save time while traveling.

Regarding claim 8, Endo et al. disclose all the limitation in claim 1. However, Endo et al. do not disclose the method wherein transmitting information via the wireless network further comprises transmitting information via an Internet protocol.

In the same field of endeavor, Myr discloses the method wherein transmitting information via the wireless network further comprises transmitting information via an Internet protocol ([0062]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of Endo et al. by specifically including the method wherein transmitting information via the wireless network further comprises transmitting information via an Internet protocol, as taught by Myr, the motivation being in order to provide traffic condition information, routes and navigation instructions. Additionally, a driver can save time while traveling.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 8.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

AU: 2617

Date: 10-24-2006